

Shire of Lake Grace

# Ordinary Council Meeting

# Minutes

19 December 2012



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## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace WA on Wednesday 19 December 2012.

### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 3.05 pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr LW Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraft	
Cr OP Farrelly	
Cr AI Milton	
Cr WA Newman	
Cr DP Sinclair	
Cr AJ Walker	
Mr GK Simpson	Acting Chief Executive Officer
Ms S Appleton	Manager Corporate Services
Mr M Harrop	Manager Infrastructure Services
Mrs L Holben	Manager Community Services
Mrs J Bennett	Executive Assistant
Ms H Bell	Senior Finance Officer

#### **2.2 APOLOGIES**

None.

#### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

None.

### **3.0 PUBLIC QUESTION TIME**

No members of the public present.

### **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

*The Acting CEO advised of his proposed leave during January 2013 – refer Item 15.3.*

**5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

**5.1 ORDINARY MEETING – 28 NOVEMBER 2012**

Resolution

**MOTION 11547**

Moved Cr Newman  
Seconded Cr Farrelly

That the minutes of the Ordinary Meeting of Council held on the 28 November 2012 be confirmed as a true and accurate record.

**MOTION CARRIED 9/0**

**6.0 DECLARATIONS OF INTEREST**

**6.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A**

**6.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**

**6.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

Cr Farrelly declared an impartiality interest in Item 15.4 in that he is a local accommodation provider.

**7.0 NOTICES OF URGENT BUSINESS**

None

**8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

None

**9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

None

## **10.0 MEMBERS' REPORTS**

### **10.1 CR DE LANDGRAFFT**

Cr De Landgrafft reported attendance at the Lake King Primary School Concert where she presented the Shire's Book Award, the evening was very well attended.

### **10.2 CR CHAMBERLAIN**

Cr Chamberlain reported attendance at the Newdegate Primary School Award Presentations at the Newdegate Town Hall with the Shire President on Friday 14 December.

He also attended the Lake Grace District High School's Award Presentation at Lake Grace on Monday 17 December and presented the Year 10 Award for Academic Excellence to Miss Brooke King.

### **10.3 CR FARRELLY**

Cr Farrelly reported participation on the Catherine & Ernest Bennett Scholarship Award selection panel at the Lake Grace District High School in early December.

### **10.4 CR ARMSTRONG**

Cr Armstrong reported:

- Participation on the Catherine & Ernest Bennett Scholarship Award selection panel with Cr Farrelly
- Presentation of awards at the Newdegate Primary School Awards Night on Friday 14 December
- Attendance at the Lake King Primary School Concert on Monday 17 December

**11.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES****11.1 PROPOSED REVISED DELEGATION A01 – CALLING FOR TENDERS**

<b>Applicant:</b>	Acting Chief Executive Officer
<b>File No.</b>	0052
<b>Attachments:</b>	Current Delegation A01 & Revised Delegation A01
<b>Author:</b>	Mr Martin Harrop Manager Infrastructure Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	12 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The purpose of this report is to seek Council's amendment of the Delegation regarding Tenders.

The current delegation is limited in its scope in that it does not allow the Chief Executive Officer to invite tenders without Council approval.

Accordingly, this report recommends that the current delegation A01 is amended and that under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer be delegated to:

- Invite any tenders provided that appropriate provision is made in the Shire's Budget, as per section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

Background

There have been a number of incidents in recent times where the Shire's current tender process has caused delays and some confusion for staff regarding the timing of these projects. This is because the current system used by the Shire requires the Chief Executive Officer and his staff to seek Council's approval before going out to tender for projects in excess of \$100,000.

Recent projects where the current tender process has contributed to delays are the Newdegate Medical Centre, the Lake Grace Day Care Centre and annual provision of bitumen and road material.

Comment

It is common practice among many local governments to delegate to the Chief Executive Officer the process regarding the invitation of tenders. Examples of local governments that have done this include the Shire of Denmark and the City of Joondalup. Department of Local Government Guideline 17 – Delegations also supports this practice.

The purpose is to streamline the tender process and extend the timeframe available for tenderers to submit tenders thus improving the tender participation rate for the Shire.

### Legal Implications

Section 3.57(1) of the *Local Government Act 1995* states that:

“A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.”

Section 5.43 of that Act states that:

“A local government cannot delegate to a CEO any of the following powers or duties:

(a) ...

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.”

Part 4 of the *Local Government (Functions and General) Regulations 1996* regulates and provides the procedures for local government tenders for providing goods or services.

A council may delegate to its CEO to invite tenders under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*, without the necessity of setting a maximum limit on the tenders which the CEO may invite. However, the effect of section 5.43(b) is that if a council wishes to delegate to its CEO to accept tenders under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*, it may attach a condition to the delegation that specifies the maximum limit of the tenders which the CEO may accept.

The delegation instrument will also be amended as per the attached draft to reflect the delegation by Council as well as call up more accurately the applicable legislation.

### Policy Implications

Under the Shire’s Purchasing Policy 3.7 the Chief Executive Officer already has the power to accept a quote up to \$100,000.

### Consultation

External: WALGA Tender Advice Service

Internal: Senior Management Team  
Council

### Financial Implications

Focus 7 Organisational Excellence

Provide sound and effective leadership in physical and financial management; to maintain a strong and flexible workforce that is well resourced to deliver infrastructure and services to businesses and communities within the Shire.

### Strategic Implications

Nil



Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 11548**

Moved Cr Farrelly  
Seconded Cr Sinclair

That Delegation A01 is amended to take into account the following requirements:

Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated to:

- a) Invite any tenders provided that appropriate provision has been made in the Shire's Budget as per section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

**MOTION 11549**

Moved Cr Chappell  
Seconded Cr De Landgraft

That the meeting be closed to the public at this time being 3.17pm, under Section 5.23 (2) (c) of the *Local Government Act 1995*, to discuss Item 11.2, Tender 2/2012 and Item 11.3, Tender 3/2012.

**MOTION CARRIED 9/0**

**MOTION 11550**

Moved Cr Newman  
Seconded Cr Chappell

That Standing Orders, under clause 16.1 Shire of Lake Grace Standing Orders Local Law, be suspended at this time, being 3.19pm to discuss the tender submissions for Items 11.2 & 11.3.

**MOTION CARRIED 9/0**

**MOTION 11551**

Moved Cr Farrelly  
Seconded Cr Chappell

That Standing Orders resume at this time, being 3.30pm.

**MOTION CARRIED 9/0**

**11.2 TENDER 2/2012 SUPPLY OF MULTI TYRED ROLLER**

*Late Item – report emailed to Councillors on Monday 17 December 2012*

Recommendation/Resolution

**MOTION 11552**

Moved Cr Walker  
Seconded Cr Chappell

That the tender from Tutt Bryant Equipment for the supply of a Bomag BW25RH multi tyred roller at a cost of \$176,000.00 on the basis of trading Multipcak VP2400 Multi tried roller motor grader at a total trade price of \$38,500.00 leaving a changeover balance of \$137,500.00 be accepted subject to supply within 3 to 5 weeks from the placement of the official order.

**MOTION CARRIED 9/0**

**11.3 TENDER 3/2012 SUPPLY OF BITUMEN & AGGREGATE**

*Late Item – report emailed to Councillors on Monday 17 December 2012*

Recommendation/Resolution

**MOTION 11553**

Moved Cr Chamberlain  
Seconded Cr Walker

That:

1. The contract for the supply of aggregate for the 2012-2013 financial year be awarded to Fyfe Transport for the lump sum of \$65,658.00.
2. The contract for the supply of bitumen for the 2012-2013 financial year be awarded to RNR Contracting Pty Ltd for \$252,196.00 subject to rise and fall of the global market price of bitumen as per the tendered rate.

**MOTION CARRIED 9/0**

**MOTION 11554**

Moved Cr Farrelly  
Seconded Cr De Landgraft

That the meeting be re-opened to the public at this time, being 3.31pm.

**MOTION CARRIED 9/0**

<b>12.0 MATTERS FOR CONSIDERATION – PLANNING</b>
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**12.1 PLANNING APPLICATION – PROPOSED NEW GARAGE ON LOT 28 BANKSIA PLACE LAKE GRACE**

<b>Applicant:</b>	Mr Edmund Duckworth (Landowner)
<b>File No.</b>	0454
<b>Attachments:</b>	Plans 1 to 5
<b>Author:</b>	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

Summary

This report recommends that a planning application submitted by Mr Edmund Duckworth (Landowner) to construct a new steel framed colorbond garage ('outbuilding') to service an existing single detached dwelling on Lot 28 (No.9) Banksia Place, Lake Grace be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to construct a new garage ('outbuilding') at the rear of an existing single house on Lot 28 (No.9) Banksia Place, Lake Grace (see Plans 1 to 5).

Lot 28 is located in the eastern part of the Lake Grace townsite on the north-eastern corner of the intersection of Banksia Place and Wattle Drive. The land is irregular in shape, comprises a total area of approximately 1,011m<sup>2</sup> and has been extensively developed for residential purposes (i.e. single detached dwelling).

Under the terms of the information and plans submitted in support of the application the proposed new garage ('outbuilding') will:

- i) be 9 metres long, 7.3 metres wide and of steel framed colorbond construction (i.e. 'Dune' wall cladding & 'Woodland Grey' roof);
- ii) comprise a wall height of 3.7 metres and a ridge height of 4.679 metres;
- iii) have a total floor area of approximately 65.7m<sup>2</sup>;
- iv) have a setback of approximately 1.5 metres from the land's eastern side boundary and 2 metres from the land's southern secondary street boundary (i.e. Wattle Drive);
- v) be used for domestic purposes associated with the existing single detached dwelling on Lot 28; and
- vi) be accessed via a new 7.3 metre wide compacted gravel crossover to Wattle Drive.

Comment

**Current Zoning & Land Use Permissibility**

Lot 28 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

A key objective of the land's current 'Residential' zoning classification is to encourage a high standard of development that enhances the character and

amenity of residential areas while providing opportunities for a variety of housing types.

Under the terms of LPS No.4 the construction of an 'outbuilding' in association with a dwelling is permitted on land classified 'Residential' zone subject to the proposal satisfying the relevant development standards of the Residential Design Codes of WA ('R-Codes') and clause 5.19 of LPS No.4 as these apply specifically to the development of 'outbuildings'.

### **Compliance with Development Standards**

An assessment of the proposal against the development standards contained in the R-Codes and LPS No.4 has confirmed that it satisfies the majority of standards except for the following:

- i) The maximum permitted wall and ridge heights for residential outbuildings as stipulated in clause 5.19.8 of LPS No.4.

The following is a brief discussion of these non-compliance issues:

Clause 5.19.8 of LPS No.4 requires that:

*"The wall height of any outbuilding including parapet walls shall not exceed 3 metres or 3.3 metres at the apex of a pitched roof unless otherwise approved by the local government."*

Under the terms of the plans submitted in support of the application the proposed new garage will comprise a wall height of 3.7 metres and a maximum ridge height of 4.679 metres.

It is concluded from a detailed assessment of the application in the context of the local streetscape and adjoining residential properties that the proposal is unlikely to have an adverse impact on the existing amenity and character of the immediate locality for the following reasons:

- i) The proposed variation to the maximum building height is considered to be relatively minor in the context of the local setting (i.e. 700mm & 1.379 metres);
- ii) It complies with the relevant 'acceptable development provisions' of the R-Codes as these apply specifically to boundary setbacks;
- iii) It complies with the 'acceptable development provisions' of Element 6.4.1 ('Open space provisions') of the R-Codes;
- iv) It complies with the 'acceptable development provisions' of Element 6.9.1 ('Solar access for adjoining sites') of the R-Codes as it will not overshadow or detrimentally impact access to light and ventilation for existing dwellings on any adjoining properties; and
- v) It will not have an adverse impact on the Wattle Drive streetscape with regard to its bulk and scale.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposal to construct a new steel framed colorbond garage ('outbuilding') to service the existing single detached dwelling on Lot 28 (No.9) Banksia Place, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure that the development proceeds in a

proper and orderly manner. It is therefore recommended that Council exercises its discretion and grant conditional approval to the application.

Legal Implications

Planning and Development Act 2005

Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

State Planning Policy No.3.1 - Residential Design Codes of Western Australia (Variation 1)

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11555**

Moved Cr Walker

Seconded Cr Farrelly

That the application for planning approval submitted by Mr Edmund Duckworth (Landowner) to construct a new steel framed colorbond garage ('outbuilding') to service the existing single detached dwelling on Lot 28 (No.9) Banksia Place, Lake Grace be approved in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions and advice notes:

1. The proposed garage ('outbuilding') shall have a maximum floor area not exceeding 65.7m<sup>2</sup>.
2. The proposed garage ('outbuilding') shall be setback no less than 2 metres from the Wattle Drive (i.e. southern) boundary of Lot 28.
3. The garage ('outbuilding') shall have a maximum wall height of 3.7 metres and a maximum ridge height of 4.679 metres.
4. The garage ('outbuilding') shall be used for domestic storage purposes only unless otherwise approved by Council.

**MOTION 11555 continued**

5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. The proposed new crossover to Wattle Drive shall be constructed to the specifications and satisfaction of the Shire of Lake Grace.

**Advice Notes**

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
4. The noise generated by any activities on-site, including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence prior to 7.00 am without the Shire's written approval.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

**MOTION CARRIED 9/0**

## 12.2 **PLANNING APPLICATION – PROPOSED NEW CARPORT ON LOT 366 CLARK AVENUE LAKE GRACE**

<b>Applicant:</b>	John & Debra O’Neill (Landowners)
<b>File No.</b>	0454
<b>Attachments:</b>	Plans 6 to 9
<b>Author:</b>	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

### Summary

This report recommends that a planning application submitted by John and Debra O’Neill (Landowners) to construct a new steel framed colorbond carport to service an existing single detached dwelling on Lot 366 (No.13) Clark Avenue, Lake Grace be approved subject to conditions.

### Background

The applicant is seeking Council’s planning approval to construct a new carport at the front of an existing single detached dwelling on Lot 366 (No.13) Clark Avenue, Lake Grace (see Plans 6 to 9).

Lot 366 is located in the north-western part of the Lake Grace townsite on the northern side of the existing railway reserve that dissects the town in an east - west direction. The land is rectangular in shape, comprises a total area of approximately 809m<sup>2</sup> and has been extensively developed for residential purposes (i.e. a single detached dwelling, patio & other associated outbuildings).

Under the terms of the information and plans submitted in support of the application the proposed new carport will:

- i) be 6 metres long, 6 metres wide and of steel framed colorbond construction (i.e. ‘Ocean Blue’) with a maximum wall height of 2.7 metres;
- ii) have a total floor area of approximately 36m<sup>2</sup>;
- iii) have a 1.75 metre setback from the land’s front boundary (i.e. Clark Avenue) and a 2 metre setback from the land’s eastern side boundary; and
- iv) be sited to align with an existing vehicle crossover and driveway along the land’s Clark Avenue frontage.

### Comment

#### **Current Zoning & Land Use Permissibility**

Lot 366 is classified ‘Residential’ zone under the Shire of Lake Grace’s current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

A key objective of the land’s current ‘Residential’ zoning classification is to encourage a high standard of development that enhances the character and amenity of residential areas while providing opportunities for a variety of housing types.

Under the terms of LPS No.4 the construction of a carport in association with a dwelling is permitted on land classified ‘Residential’ zone.



### **Compliance with Development Standards**

An assessment of the proposal for Lot 366 against the specific standards and requirements of LPS No.4 and the R-Codes has confirmed that it satisfies the majority of standards except for the following:

- i) R-Code Element 6.2.1 – ‘Setback of buildings generally’.

The following is a brief discussion of the above non-compliance issue:

#### **Element 6.2.1 – ‘Setback of buildings generally’**

The proposed new carport will have a setback from the front boundary of 1.75 metres in lieu of a minimum setback of 3 metres required by the ‘acceptable development’ provisions’ of Element 6.2.1 of the R-Codes.

Council may consider this non-compliance issue under the ‘performance criteria’ contained in Element 6.2.1 which states:

*“Buildings setback from street boundaries an appropriate distance to ensure they:*

- *contribute to the desired streetscape;*
- *provide adequate privacy and open space for dwellings; and*
- *allow safety clearances for easements for essential service corridors.”*

It is concluded from a detailed assessment of the development proposal in context of the above ‘performance criteria’ of the R-Codes that it is unlikely to have an adverse impact on any adjoining properties or the local streetscape for the following reasons:

- i) The proposed variation to the minimum required front setback (i.e. 1.25 metres) is considered minor;
- ii) The new carport complies with the ‘acceptable development provisions’ of Element 6.4.1 (‘Open space provision’) of the R-Codes;
- iii) The proposed development will provide for the effective use of available space;
- iv) The new carport and existing single house comply with the ‘acceptable development provisions’ of the R-Codes in terms of the required average front setback (i.e. 6 metres). As such it is contended that the proposed reduced minimum front setback for the new carport will not have any adverse impacts upon the amenity of the Clark Avenue streetscape in terms of bulk and scale;
- v) The new carport is open and will not compromise or negatively impact upon the visual outlook from the adjoining properties on the street;
- vi) The verge area abutting Lot 366 is approximately six (6) metres wide which provides for a significant setback between the proposed new carport and the road pavement, therefore minimising the impact of the proposed built form on the Clark Avenue streetscape; and
- vii) There is sufficient space available on Lot 366 to accommodate any future potential easements.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposal to construct a new steel framed colorbond carport to service the existing single detached dwelling on Lot 366 (No.13) Clark Avenue, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the

imposition of a number of conditions to ensure that the development proceeds in a proper and orderly manner. It is therefore recommended that Council exercises its discretion and grant conditional approval to the application.

Legal Implications

Planning and Development Act 2005  
Shire of Lake Grace Local Planning Scheme No.4

Policy Implications

State Planning Policy No.3.1 - Residential Design Codes of Western Australia (Variation 1)

Consultation

Community consultation not required.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11556**

Moved Cr Sinclair  
Seconded Cr De Landgraft

That the application for planning approval submitted by John and Debra O'Neill (Landowners) to construct a new steel framed colorbond carport to service the existing single detached dwelling on Lot 366 (No.13) Clark Avenue, Lake Grace be approved in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions and advice notes:

1. The proposed carport shall be of steel framed colorbond construction and have a total floor area not exceeding 36m<sup>2</sup>.
2. The proposed carport shall be setback no less than 1.75 metres from the front (i.e. southern) boundary of Lot 366.
3. The proposed carport shall be an open structure and shall not therefore be enclosed by any walls or doors unless otherwise approved by Council.
4. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
5. The crossover to Clark Avenue shall be constructed to the specifications and satisfaction of the Shire of Lake Grace.

**MOTION 11556 continued**

**Advice Notes**

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
4. The noise generated by any activities on-site, including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence prior to 7.00 am without the Shire's written approval.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

**MOTION CARRIED 9/0**

### 12.3 **PLANNING APPLICATION – PROPOSED ADVERTISING SIGN ON LOT 504 NEWDEGATE RAVENSTHORPE ROAD, MT MADDEN**

<b>Applicant:</b>	Paramount Australia Outdoor Media
<b>Landowner:</b>	Mr Lindsay Brownley
<b>File No.</b>	0453
<b>Attachments:</b>	Plans 10 to 13
<b>Author:</b>	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

#### Summary

This report recommends that a planning application submitted by Paramount Australia Outdoor Media on behalf of Mr Lindsay Brownley (Landowner) to erect a new advertising sign on Lot 504 Newdegate-Ravensthorpe Road, Mount Madden be approved subject to conditions.

#### Background

The applicant is seeking Council's planning approval to erect a new freestanding advertising sign on Lot 504 Newdegate-Ravensthorpe Road, Mount Madden to provide a 'space for hire' for various advertising content over an unspecified period of time.

Lot 504 is located approximately 28 kilometres south-east of the Lake King townsite and south of Pallarup Nature Reserve (see Plan 1). The land is irregular in shape, comprises a total area of approximately 660.28 hectares and has direct frontage and access to Newdegate-Ravensthorpe Road along its western boundary and Hatter Hill Road along its eastern boundary (see Plan 2).

Lot 504 has been extensively cleared of native vegetation and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land contains some scattered stands of natural vegetation and numerous salt lakes. The land also contains a number of physical improvements associated with its current rural use including dams, internal access tracks and boundary fencing (see Plan 3).

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) Erection of a new 8 metre wide and 2 metre high double sided metal advertising sign with a total area of 16m<sup>2</sup> (per face) (see Plan 4);
- ii) The sign will have a 2 metre clearance from the natural ground level with the overall height of the sign being 4 metres;
- iii) The sign will have a setback of approximately 2 metres from the land's boundary to Newdegate-Ravensthorpe Road and will be orientated towards this road to maximise its visual exposure;
- iv) The sign will be of static illumination (i.e. unlit); and
- v) The sign will accommodate various advertising content over an unspecified period of time (i.e. 'space for hire') catering to a number companies and organisations including but not limited to RAC, Harvey Fresh, SGIO, BHP, Elders, Nissan, Office of Road Safety etc.

### Comment

#### **Current Zoning & Land Use Permissibility**

Lot 504 is classified 'General Agriculture' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4).

A key objective of the land's current 'General Agriculture' zoning classification is to ensure the continuation of broad hectare farming as the principle land use within the district, protect the rural landscape/character, control the fragmentation of agricultural land through further subdivision and consider non-rural uses where they can be shown to be of a benefit to the district.

Under the terms of Clause 8.2(g) and Schedule No.5 of LPS No.4 the erection and display of a number of specific types of advertising signs is exempt from the requirement to obtain Council's planning approval. A review of Schedule No.5 has identified that the proposed sign on Lot 504 is not one of the exempted types of advertising signage. As such Council's planning approval is required in this particular instance.

It is significant to also note that Lot 504 is located immediately adjacent to the eastern boundary of Newdegate-Ravensthorpe Road which is classified in LPS No.4 as a 'Major Road' reserve. Under the terms of clause 5.31 of LPS No.4 any planning application proposing the development of land abutting a 'Major Road' reserve may be referred to Main Roads WA (MRWA) for review and comment.

Details of the proposal were forwarded to MRWA's Wheatbelt South Region Office in Narrogin for review and comment. By email correspondence dated 4th December 2012 MRWA confirmed that the proposed advertising sign on Lot 504 complies with MRWA's standards and requirements and therefore no objections were raised.

#### **Development Standards**

With the exception of those advertising signs listed in Schedule No.5 of LPS No.4 as being exempt from the requirement to obtain Council's planning approval, there are no specific development standards applicable to the erection of non-exempt advertising signage within the Shire. As such any planning application for non-exempt advertising signage must be considered by Council on its individual merits.

Having regard for the location, nature and scale of the proposed sign on Lot 504 and the predominant land usage on surrounding properties (i.e. broadacre farming) it is concluded that the proposal is generally acceptable for the following reasons:

- It is unlikely to have any negative impact upon the continued operation of existing established land uses or the future potential development and use of Lot 504 for broadacre farming purposes;
- It is unlikely to have a detrimental impact on the amenity, general character, functionality or safety of the immediate locality; and
- It complies with the standards and requirements of Main Roads Main Roads (Control of Advertisements) Regulations 1996 and is supported by MRWA's Wheatbelt South Region Office.

### **Proposed Local Planning Policy – Advertising Signage**

At its Ordinary Meeting held on 28 November 2012 the Lake Grace Shire Council authorised the Shire's Administration to prepare a suitable local planning policy to provide future guidance for the development and use of advertising signs throughout the municipality. Council's decision was based on a recent planning application for advertising signage on Lot 475 (No.418) Newdegate-Ravensthorpe Road, Newdegate and the current trend for the erection of advertising signs on private property throughout the Wheatbelt Region, in particularly along major roads.

The Shire's Administration has prepared a draft local planning policy with a separate report prepared for Council's consideration as part of this Agenda. As the proposed policy is still in its formative stages Council should note that the standards and requirements prescribed in the policy cannot be applied when considering and determining this planning application.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposal to erect a new freestanding advertising sign on a portion of Lot 504 Newdegate-Ravensthorpe Road, Mount Madden is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

### Legal Implications

Planning and Development Act 2005  
Shire of Lake Grace Local Planning Scheme No.4  
Main Roads Act 1930  
Main Roads (Control of Advertisements) Regulations 1996

### Policy Implications

Nil

### Consultation

Community consultation not required however as mentioned above the application was referred to MRWA's Wheatbelt South Region Office in Narrogin for review and comment in accordance with clause 5.31 of LPS No.4.

### Financial Implications

Nil

### Strategic Implications

Nil

### Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 11557**

Moved Cr Newman  
Seconded Cr Sinclair

That the application for planning approval submitted by Paramount Australia Outdoor Media on behalf of Mr Lindsay Brownley (Landowner) to erect a new freestanding advertising sign on Lot 504 Newdegate-Ravensthorpe Road, Mount Madden be approved in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions and advice notes:

1. The development is to be completed within one (1) year from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. The new advertising sign shall be erected entirely within the boundaries of Lot 504 and shall not to encroach upon the adjoining Newdegate-Ravensthorpe Road road reserve area.
3. The new advertising sign shall not exceed 16m<sup>2</sup> (i.e. 8 metres wide x 2 metres wide) with the support posts not being greater than 2 metres in height.
4. Any proposal to illuminate the advertising sign shall be approved by the Shire prior to the installation of lighting.
5. The new advertising sign shall be maintained in a neat, tidy and functional condition at all times to the specifications and satisfaction of the Shire of Lake Grace.
6. In the event that the advertising sign falls into a state of disrepair the sign shall be removed within 14 days of receipt of written notice from the Shire of Lake Grace.
7. The advertising sign shall not display any content that is offensive or politically or racially motivated.
8. All existing trees located on Lot 504 and within the verge area abutting the land shall be retained. Any proposal to remove any trees will require the prior approval of the Shire of Lake Grace.

**Advice Notes**

1. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any development.
2. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.

**MOTION 11557 continued.**

3. The advertising sign shall comply in all respects with Main Roads (Control of Advertisements) Regulations 1996
4. The applicant shall notify Main Roads Western Australia of the content of the advertising sign and any future proposed changes to the advertising content.
5. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

**MOTION CARRIED 9/0**



## 12.4 **PLANNING APPLICATION – PROPOSED NEW CARPORT AND PATIO ON LOT 154 ELLIOTT ST LAKE GRACE**

<b>Applicant:</b>	Mrs Christine Fyfe (Landowner)
<b>File No.</b>	0454
<b>Attachments:</b>	Plans 14 to 18
<b>Author:</b>	Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

### Summary

This report recommends that a planning application submitted by Christine Fyfe (Landowner) to construct a new steel framed colorbond carport and patio on Lot 154 (No.8) Elliott Street, Lake Grace to service an existing single detached dwelling be approved subject to conditions.

### Background

The applicant is seeking Council's planning approval to construct a new carport and patio to service the existing single house constructed over Lots 154 & 155 (Nos.8 & 10) Elliott Street, Lake Grace (see Plans 14 to 18).

Council is advised that whilst an existing single detached dwelling has been constructed over two (2) individually titled lots (i.e. Lots 154 & 155), the applicant is proposing to construct the carport and patio on Lot 154 only.

Lot 154 is located in the southern portion of the Lake Grace townsite between Griffiths and Betham Streets. The land is rectangular in shape, comprises an area of approximately 1,116m<sup>2</sup> and has been extensively developed for residential purposes (i.e. a single detached dwelling, patio & swimming pool).

Under the terms of the information and plans submitted in support of the application, the proposed new development will include the following key elements:

- i) A new 6 metre long and 9 metre wide steel framed colorbond (i.e. 'Sandbank') carport with a maximum wall height of 2.4 metres;
- ii) The new carport will have a total floor area of approximately 54m<sup>2</sup>;
- iii) The new carport will have a 3.5 metre setback from the land's front boundary (i.e. Elliott Street) and a 1.5 metre setback from the land's western side boundary;
- iv) The construction of a new 5 metre wide crossover to Elliott Street;
- v) A new 9 metre long and 5 metre wide steel framed colorbond (i.e. 'Sandbank') patio with a maximum wall height of 3.0 metres;
- vi) The proposed new patio will have a total floor area of approximately 45m<sup>2</sup>;
- vii) The new patio will have a 3 metre setback from the land's western side boundary and a 22 metre setback from the land's front boundary; and
- viii) The proposed new patio will replace an existing patio previously constructed in the same location on the land. It is significant to note that the new patio will comprise the same setbacks and dimensions as the existing patio proposed to be replaced.

### Comments

#### **Current Zoning & Land Use Permissibility**

Lot 154 is classified 'Residential' zone under the Shire of Lake Grace's current operative Local Planning Scheme No.4 (LPS No.4) with an applicable residential density coding of R20.

A key objective of the land's current 'Residential' zoning classification is to encourage a high standard of development that enhances the character and amenity of residential areas while providing opportunities for a variety of housing types.

Under the terms of LPS No.4 the construction of a carport and a patio in association with a dwelling is permitted on land classified 'Residential' zone.

#### **Residential Design Codes (R-Codes)**

An assessment of the proposal for Lot 154 against the specific standards and requirements of LPS No.4 and the R-Codes has confirmed that it satisfies the majority of standards except for the following:

- i) R-Code Element 6.5.4 – 'Vehicular access'.

The following is a brief discussion of the above non-compliance issue:

#### **Element 6.5.4 – 'Vehicular access'**

In accordance with the guidance provided by the R-Codes the proposed 'vehicle access' arrangements have been assessed with due regard for the existing residential development on both Lots 154 & 155.

The proposed new carport will include the construction of a new 5 metre wide crossover to Elliott Street resulting in the aggregate width of the crossovers to Lots 154 & 155 being 11.5 metres in lieu of a maximum aggregate width of 9 metres permitted by the 'acceptable development' provisions' of Element 6.5.4 of the R-Codes.

Council may consider this non-compliance issue under the 'performance criteria' contained in Element 6.5.4 which states:

*"Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape."*

It is concluded from a detailed assessment of the application in context of the above 'performance criteria' of the R-Codes that the proposal is unlikely to have an adverse impact on the adjoining property or the local streetscape for the following reasons:

- i) The proposed variation to the maximum aggregate width of the crossovers to Lots 154 & 155 (i.e. 2.5 metres) is considered minor;
- ii) The proposed new crossover is unlikely to have any detrimental impact upon traffic safety given its location and the low volumes of traffic along Elliott Street;
- iii) The Elliott Street verge area adjoining Lots 154 & 155 comprises a width of six (6) metres which could be landscaped and maintained to help soften any potential negative visual impacts that the combined width of the crossovers may have on the local streetscape;

- iv) The maximum permitted width for the new crossover complies with the 'acceptable development provisions' of Element 6.5.4 of the R-Codes; and
- v) The proposed new crossover will not result in the removal of any existing trees within the verge area adjoining Lot 154.

### **Additional Information**

As previously mentioned the current single detached dwelling has been constructed over two (2) individually titles lots (i.e. Lots 154 & 155) and straddles the common boundary between them. This has a number of legal and financial implications for the current and future landowners, particularly if the land is ever sold or the dwelling is destroyed by fire (i.e. potential insurance & liability issues).

Given the above it is recommended that Council impose an advice note on any approval issued for the proposed new carport and patio recommending that the landowner amalgamate the subject land into one (1) new separately titled lot.

### **Conclusion**

It is concluded from a detailed assessment of the application that the proposal to construct a new carport and patio to service the existing single detached dwelling on Lots 154 & 155 (Nos.8 & 10) Elliott Street, Lake Grace is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure that the development proceeds in a proper and orderly manner. It is therefore recommended that Council exercises its discretion and grant conditional approval to the application.

### Legal Implications

Planning and Development Act 2005  
Shire of Lake Grace Local Planning Scheme No.4

### Policy Implications

State Planning Policy No.3.1 - Residential Design Codes of Western Australia (Variation 1)

### Consultation

Community consultation not required.

### Financial Implications

Nil

### Strategic Implications

Nil

### Voting Requirements

Simple majority required.

Recommendation/Resolution**MOTION 11558**

Moved Cr Chappell  
Seconded Cr Sinclair

That the application for planning approval submitted by Christine Fyfe (Landowner) to construct a new steel framed colorbond carport and patio on Lot 154 (No.8) Elliott Street, Lake Grace be APPROVED in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions and advice notes:

1. The proposed carport shall be of steel framed and colorbond construction with a total floor area not exceeding 54m<sup>2</sup>
2. The proposed carport shall be setback no less than 3.5 metres from the front (i.e. Elliott Street) boundary of Lot 154.
3. The proposed patio shall be of steel framed and colorbond construction with a total floor area of 45m<sup>2</sup>.
4. The proposed carport and patio shall be open structures and not enclosed by any walls or doors unless otherwise approved by Council.
5. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Lake Grace.
6. The proposed new additional crossover to Elliott Street shall be constructed to the specifications and satisfaction of the Shire of Lake Grace.
7. The proposed new additional crossover to Elliott Street shall not exceed 5 metres in width.
8. The verge area abutting Lot 154 Elliott Street shall be landscaped and maintained to the satisfaction of the Shire of Lake Grace.

**Advice Notes**

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Lake Grace having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
3. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.

**MOTION 11558 continued.**

4. The noise generated by any activities on-site, including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence prior to 7.00 am without the Shire's written approval.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Lake Grace Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
7. It is recommended that the applicant make the necessary arrangements to amalgamate Lots 154 & 155 to create one (1) new separately titled lot to accommodate the existing single detached dwelling that currently straddles the common boundary between the two lots.

**MOTION CARRIED 9/0**

**12.5 PROPOSED LOCAL PLANNING POLICY NO 6.5 – ADVERTISING SIGNAGE****MOTION 11559**

Moved Cr Newman  
 Seconded Cr Chamberlain

That Standing Orders, under clause 16.1 Shire of Lake Grace Standing Orders Local Law, be suspended at this time, being 3.35pm to discuss the signage policy.

**MOTION CARRIED 9/0**

3.48pm Cr Milton left the meeting and returned at 3.50pm.

**MOTION 11560**

Moved Cr Newman  
 Seconded Cr De Landgraftt

3.54

That Standing Orders resume at this time, being 3.54pm

**MOTION CARRIED 9/0**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0525
<b>Attachments:</b>	Attachment 1
<b>Author:</b>	Mr Joe Douglas & Mr Carlo Famiano Urban & Rural Perspectives -Town Planning Consultants
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

**Summary**

This report provides details of a proposed draft local planning policy outlining Council's future possible position regarding the development and use of advertising signs throughout the Shire. It recommends that Council initiate the process required to provide for the future possible adoption of the policy under Local Planning Scheme No.4 including commencement of the required public advertising process.

**Background**

At its Ordinary Meeting held on 28 November 2012 the Lake Grace Shire Council authorised the Shire's Administration to prepare a suitable local planning policy to provide future guidance for the development and use of advertising signs throughout the municipality. Council's decision was based on a recent planning application for advertising signage on Lot 475 (No.418) Newdegate-Ravensthorpe Road, Newdegate and the current trend for the erection of advertising signs on private property throughout the Wheatbelt Region, in particularly along major roads.

The primary objectives of the proposed new policy are as follows:

- To improve the quality and appropriateness of advertising signs through the application of good design principles;

- To ensure that the display of advertisements does not have any adverse impacts on the amenity of surrounding land;
- To avoid the proliferation of advertising signs on individual sites and buildings;
- To improve the streetscape of major roads;
- To encourage the rationalisation of advertising signs on individual premises;
- To encourage the incorporation of advertising signs into the design of buildings;
- To ensure that advertising signs do not present a hazard or obstruction to pedestrians or block motorists' views of traffic information signs;
- To ensure that all advertising signs are not discriminatory or offensive;
- To ensure that advertising signs only relate to the products and/or services provided on the site on which they are displayed; and
- To provide increased certainty for advertisers, landowners, the community and others as well as consistency in decision making by Council.

A copy of the proposed draft policy is provided in Attachment 1 to this report.

#### Comment

Whilst there is a general need to be supportive of advertising signage, the Shire needs to ensure that the development and use of advertising signs does not have a detrimental impact on the amenity, character, functionality or safety of its urban and rural environments.

At present the Shire of Lake Grace has very limited statutory or policy guidance in its local planning framework to guide the development and use of land for advertising purposes. As such the Shire has little control over the potential proliferation of advertising signage throughout the municipality.

In light of the above and the potential negative impacts that advertising signage can have on local amenity and safety, it is considered appropriate that Council consider the preparation and adoption of a local planning policy to provide future guidance for the development and use of advertising signage throughout the Shire and the processes required to obtain the necessary approvals.

It should be noted that the proposed new policy, if finally adopted, will not bind Council in respect of any one application for planning approval. Council is however required to have due regard for the provisions of the policy and the objectives which the policy is designed to achieve before making its decision on any application received.

Should Council resolve to endorse the proposed draft policy, arrangements will be made by the Shire Administration to advertise the policy for public comment for a minimum period of twenty one (21) days in accordance with the specific requirements of Clause 2.4.1 of LPS No.4.

Following completion of the required public advertising process a follow up report will be prepared for consideration by Council. This report will provide details of the outcomes from public advertising (i.e. a summary of all submissions received), any suggested modifications to the draft policy and a recommendation regarding its final adoption.

### Legal Implications

Shire of Lake Grace Local Planning Scheme No.4  
Planning and Development Act 2005

### Policy Implications

The proposed local planning policy aims to ensure that all planning applications for the development and use of advertising signs in the Shire are accompanied by sufficient relevant information and demonstrate compliance with a number of objectives, provisions and standards.

### Consultation

A community consultation process is required to be undertaken by the Shire to formalise adoption of the proposed policy as a Local Planning Policy under Local Planning Scheme No.4. Community consultation will be undertaken for a minimum period of twenty one (21) days in accordance with the specific requirements of Clause 2.4.1 of LPS No.4.

### Financial Implications

The Shire is responsible for meeting all costs associated with the preparation, advertising and adoption of the proposed new Local Planning Policy. The total cost of the project is estimated to be approximately \$3,500.00 excluding GST which will be covered by the Shire's current budget allowance for general town planning work in the 2012/2013 financial year.

### Strategic Implications

The development and use of advertising signage throughout the Shire has the potential to have a number of negative impacts on the amenity, character, functionality and safety of areas in which they are located. Clear planning guidance is therefore required to ensure that the erection of signage throughout the Shire of Lake Grace proceeds in a proper and orderly manner with minimal impact on local streetscapes, visual landscape values or the safety of pedestrians and motorists.

### Recommendation

That Council resolve to:

1. Adopt the draft policy entitled 'Advertising Signage' as Local Planning Policy No.6.5 under the Shire of Lake Grace Local Planning Scheme No.4 (LPS No.4);
2. Authorise the Shire administration to advertise the policy for public comment in accordance with the procedures and requirements of Clause 2.4.1 of LPS No.4; and,
3. Update the Policy Manual accordingly.

### Voting Requirements

Simple majority required.



Resolution

Moved Cr

Seconded Cr

**MOTION 11561**

Moved Cr Chamberlain  
Seconded Cr Newman

That Item 12.5 be tabled, until, at staff discretion it is re-introduced.

**MOTION CARRIED 9/0**

***Reason for Change***

***More research and information is required.***

**13.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING**

*No items for consideration.*

**14.0 MATTERS FOR CONSIDERATION – FINANCE****14.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2012**

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0277
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Miss Nicola Bateman Finance Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 December 2012
<b>Senior Officer:</b>	Ms Samantha Appleton Manager Corporate Services

Summary

For Council to ratify expenditures incurred for the month of November 2012.

Background

List of payments for the month November 2012 through the Municipal and Trust accounts are attached with a statement of credit card activity

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Consultation

N/A

Financial Implications

The list of creditors paid for the month of November 2012 from the Municipal and Trust Account Total \$690,565.10

Strategic Implications

7. Organisational Excellence

7.1 Develop systems compliant with various statutes, regulations and policies.

Recommendation

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**MOTION 11562**

Moved Cr Farrelly  
Seconded Cr Chappell

That Council receive the list of payments totalling \$690,565.10 as presented for the month of November 2012 incorporating:

- Direct Credits DD4214.1 to DD4264.1
- Trust Account 677 to 685
- Municipal Account Cheques 34938 to 34983
- Electronic Funds Transfers EFT10281 to EFT10470

**MOTION CARRIED 9/0**

## 14.2 FINANCIAL STATEMENTS - NOVEMBER 2012

<b>Applicant:</b>	Shire of Lake Grace
<b>File No.</b>	0275
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Ms Samantha Appleton Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

### Summary

Consideration of the financial statements for the month ending 30 November 2012.

### Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works, Operating Revenue & Expenditure Graphs
- Bank Reconciliations

It should be noted that the audit for 2011/12 is yet to be completed and end of year figures for this period may be subject to change.

### Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

### Policy Implications

N/A

### Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Goal 7: Organisational Excellence

Strategy 7.1: Develop systems to ensure compliance with various statutes, regulations and policies.

Recommendation

Voting Requirements

Simple majority required.

Resolution

Moved Cr

Seconded Cr

**MOTION 11563**

Moved Cr De Landgraft

Seconded Cr Sinclair

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statement of Financial activity for the period ended 30 November 2012.

**MOTION CARRIED 9/0**

**14.3 2011/12 ANNUAL REPORT & ANNUAL GENERAL MEETING OF ELECTORS**

<b>Applicant:</b>	Manager Corporate Services
<b>File No.</b>	0202
<b>Attachments:</b>	2011/12 Annual Report and Annual Financial Statements, Supplementary Information
<b>Author:</b>	Ms Samantha Appleton Manager Corporate Services
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

**Summary**

The purpose of this item is to accept the Audited Annual Financial Statements for the 2011/12 financial year and to set a date for the Annual General Meeting of Electors.

**Background**

In accordance with the Local Government Act 1995, Council is to accept the Audited Annual Financial Statements for a financial year no later than 31 December after that financial year. At the time of writing this item, the audited financial statements are expected to be delivered to the Shire within the next week.

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

An Annual General Meeting of Electors is to be held once every financial year, on a day not more than 56 days after Council has accepted the Annual Report.

**Comment**

The Final Audit for the Shire of Lake Grace was held on the 6 & 7 November 2012. The completion of the audit and the financial report confirms all figures for the 2011/12 year including the carried forward position at 30 June 2012, which will need to be taken into consideration at the 2012/13 budget review.

Due to timing issues some grants were not received and have been carried forward into the 2012/13 budget. It should be noted that during 2011/12 there were considerable cost overruns on supporting medical practitioner services and the completion of the Newdegate Medical Centre which have affected the end of year position for the Shire of Lake Grace.

The end of year position is at variance with that estimated for the 2012/13 budget, however since the budget adoption a number of savings and additional income sources have been identified that ameliorate the variation.

## These include:

E111457	Lake King Hall - Capital Works Cap Exp (works completed)	\$ 22,000.00
E116101	RSL Building Cap Exp	\$ 1,800.00
E136124	Lake Grace Stormwater Detention Dam Construction Cap Exp	\$ 43,600.00
I136100	Sale of Standpipe Water	\$ 15,000.00
I141460	Private Works - Income	\$ 20,000.00
I116104	Grant - Youth Programs	\$ 5,000.00
I030206	Rates Instalment Interest	\$ 5,000.00
I077450	Rent - Old Doctor's Surgery Rooms	\$ 4,500.00
E137050	Land Sale Expenses	\$ 18,000.00
E042010	Salaries & Wages	\$ 5,000.00
E042020	Superannuation - Council Contribution	\$ 685.00
		<b>\$140,585.00</b>

It is anticipated that the Annual Report will be presented to the audit committee prior to this meeting.

It is recommended that the Annual General Meeting of Electors be held at \_\_\_\_\_ at the Lake Grace Shire Hall. The venue is in keeping with the rotation of the electors meetings between the four towns.

It should be noted that the Annual Electors Meeting is to be held within 56 days of the Annual Report being received by Council, which means that the Annual Electors meeting will need to be held prior to the 13 February 2013.

Legal Implications

Local Government Act 1995 s1.7, s1.8, s5.54, s5.27 & s5.29

Policy Implications

N/A

Consultation

Internal - Chief Executive Officer  
- Shire of Lake Grace Audit Committee

External - UHY Haines Norton (Auditors)  
- Bob Waddell (Consultant)

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan - 7. Organisational Excellence

Recommendation

That Council:

1. Accept the 2011/12 Annual Report and audited financial statements;



2. Receive the 2011/12 Independent Audit Report and Management Report provided by UHY Haines Norton; and,
3. Advise the Chief Executive Officer to convene the Annual General Meeting of Electors for \_\_\_\_\_ on \_\_\_\_\_ at the Lake Grace Shire Hall.

Voting Requirements

Absolute majority (5) required.

Resolution

**MOTION 11564**

Moved Cr Chappell  
Seconded Cr Farrelly

That Council:

1. Accept the 2011/12 Annual Report and audited financial statements;
2. Receive the 2011/12 Independent Audit Report and Management Report provided by UHY Haines Norton; and,
3. Advise the Chief Executive Officer to convene the Annual General Meeting of Electors for 7.30 pm on 11 February 2013 at the Lake Grace Shire Hall.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

<b>15.0 MATTERS FOR CONSIDERATION – ADMINISTRATION</b>
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**15.1 WHEATBELT GENERAL PRACTICE – BUSINESS SUPPORT SERVICE**

<b>Applicant:</b>	Acting Chief Executive Officer
<b>File No.</b>	0711
<b>Attachments:</b>	1. Memorandum of Understanding 2. Request for Proposal ( <i>under separate cover</i> ) 3. Implementation Plan ( <i>under separate cover</i> )
<b>Author:</b>	Mr Graeme Simpson Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	5 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The purpose of this report is to obtain Council's formal approval to participate with the Shires of Corrigin, Kondinin, Kulin and Narembeen to establish a service to support the management of private general medical practices in the nominated region.

The aim of the business support service is to improve the region's ability to attract and retain private medical practitioners.

Background

The concept of the Eastern Wheatbelt Primary Care Project group emerged as a result of a common need to acquire a medical practitioner by the Shires of Lake Grace, Corrigin, Kondinin and Kulin. The Shire of Narembeen joined the regional group in early 2012.

Comment

Negotiations have continued with Mr Tim Shackleton of Virtual Health and the project has progressed to the point of committing to the documentation which sets out the following arrangements.

**Parties:** Corrigin  
Kondinin  
Kulin  
Lake Grace  
Narembeen

**Package:** Shires collectively agree to provide a package of benefits to general practice in return for comprehensive primary health care services to communities within the Eastern Wheatbelt.

**Items:** 4 x 2 Executive home  
4 or 6 cylinder luxury car  
Clinic facilities

**Financing Model:**

- ⇒ Annual fee for fixed costs
- ⇒ Participation fee - When we need a doctor
  - Practice needs assistant
- ⇒ Joining Fee - New member Shires
- ⇒ Administration costs may be needed to attract a service provider

**Request for Proposal:**

- ⇒ 3 year agreement with a service provider
- ⇒ Shire can request assistance to attract a doctor to the Shire
- ⇒ Doctor can request if assistance needed for business support services

**Implementation Plan:**

- ⇒ Stand alone procedures document

Legal Implications

The Agreement will commence on the date of execution and will continue indefinitely unless wound up or the Shire withdraws from the scheme. The operations are to be reviewed annually to ensure its ongoing effectiveness and to address matters of concern.

Policy Implications

Nil

Consultation

The consulting team of Virtual Health has had extensive consultation with the existing medical practitioners in the region, member shires and the state government health professionals.

Financial Implications

The financial implications are not known at this stage, however, this Shire has a medical practitioner operating in the district so we only need pay the annual fee component.

Strategic Implications

*Shire of Lake Grace Community Strategic Plan*

References Ec 7.2 & S2 requires the Shire to retain and develop medical facilities and services to meet the whole of community needs.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11565**

Moved Cr Chappell  
Seconded Cr Farrelly

That Council:

1. Endorse the Memorandum of Understanding, Request for Proposal and Implementation Plan for the Wheatbelt General Practice Business Support Service; and
2. Authorise the President and Chief Executive Officer to sign the MOU and relevant documents.

**MOTION CARRIED 9/0**

## 15.2 METROPOLITAN LOCAL GOVERNMENT REVIEW

**Applicant:** Acting Chief Executive Officer  
**File No.** 0052  
**Attachments:** Nil  
**Author:** Mr Graeme Simpson  
Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 4 December 2012  
**Senior Officer:** Mr Graeme Simpson  
Acting Chief Executive Officer

### Summary

The WA Local Government Association has compiled a response to the Metropolitan Review Panels Final Report and requested, via the Local Government Zones (i.e. Central Country Zone) that member Councils advise the Association of their view on each of the opinions expressed and where asked specific comment on what Council would like to happen.

### Background

The Metropolitan Local Government Review Panel's Final Report has been released for public comment, with submissions to be received by the State Government by 5 April 2013.

The Report outlines 30 recommendations, which, if enacted, will significantly alter the structure and operations of the Local Government sector in metropolitan Perth.

A comprehensive consultation process with the Local Government sector will be undertaken to guide the Association's submission in relation to the Panel's Final Report.

Local Government feedback to WALGA will be requested by Wednesday 23 January 2013.

The Central Country Zone (CCZ) will be holding a Special Meeting in Narrogin on Thursday 7 February 2013 to consider the report recommendations and WALGA's position.

### Comment

The following summary table attachment titled *Table One* outlines the comparison of the Metropolitan Review Final Recommendations, the Review Panel's Draft Findings, WALGA Position and the Acting Chief Executive Officer's comments for Council to endorse or amend. The comments will then be forwarded to the CCZ secretariat for collation of all the responses.

Local Government reform is subject to the number of parliamentary seats held by the political parties after the 9 March 2013 election.

## Conclusion

Council needs to express an opinion on each of the recommendations to give guidance to the WALGA Council.

Recommendation		Draft Finding	WALGA Position	Shire of Lake Grace Comment
1	The State Government give consideration to the inequities that exist in Local Government rating, including rate equivalent payments and State Agreement Acts.	<b>New</b>	<b>Support</b> (WALGA Recommendation 5) – That LandCorp and other Government Trading Entities' rate equivalency payments be made to the relevant Local Governments instead of the State Government	<b>Support</b>
2	A collaborative process between State and Local Government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and Local Government.	<b>New</b>	<b>Support</b> (WALGA Recommendation 1) – A protocol guiding communication and consultation between the State Government and the Local Government sector be developed and implemented as a matter of urgency	<b>Support</b> , however previous agreements have had little effect.
3	The State Government facilitate improved coordination between State Government agencies in the metropolitan area, including between State Government agencies and Local Government.	<b>New</b>	<b>Support</b> (WALGA Submission to Issues Paper – p40-42 –Critical Success Factor: Intergovernmental Relations)	<b>Support</b>
4	A full review of State and Local Government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.	<b>New</b>	<b>Sector to determine WALGA position</b>	<b>Support</b> Many functions could be handed back to the State
5	In conjunction with the proposed structural and governance reforms, that Local Government planning approval powers be reinstated in metropolitan Perth by the State Government.	<b>Draft Finding 12</b> – A redefined Local Government would have its role enhanced including re-empowerment in local planning.	Panel Finding 12 is <b>NOTED</b> . (WALGA Submission to Draft Findings, p19 – “As a general principle, the Association always supports the empowerment of Local Government as democratically elected community representatives.”)	<b>Support</b>
6	The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with Local Government.	<b>Draft Finding 10</b> – Some functions need to be managed from a metropolitan-wide perspective, including waste disposal and treatment, transport and planning. A shift in responsibility to the State Government may be warranted.	Panel Finding 10 is <b>CONDITIONALLY SUPPORTED</b> . Local Government demands more State Government engagement and leadership on the issue of waste management.	<b>Support</b> , however waste and recycling are a direct impact on ratepayers and they may prefer the close local government involvement.

7	A shared vision for the future of Perth be developed by the State Government, in conjunction with Local Government, stakeholder and community groups.	<b>Draft Finding 6</b> – A shared vision for the future of Perth should be developed by the State Government, together with Local Government, stakeholder and community groups.	Panel Finding 6 is <b>SUPPORTED</b> for Metropolitan Perth.	<b>Support</b>
8	A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.	<b>Draft Finding 20</b> – If the new Local Government structure for metropolitan Perth comprises more than one Local Government, a Forum or Council of Perth	Panel Finding 20: the <b>principle</b> of a Forum or Council of Mayors is <b>supported</b> .	<b>Support</b>
9	9 The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.	Mayors should be created, chaired by the Lord Mayor.	<b>Sector to determine WALGA position</b>	<b>Support</b>
10	10 The newly created Local Governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open government platforms.	<b>Draft Finding 7</b> – A sense of place and local identity can be maintained through appropriate governance regardless of the size of a Local Government. <b>Draft Finding 18</b> – Local Government's ability to connect to the community is an important asset. In any new Local Government structure for metropolitan Perth, community engagement must be strengthened, to improve accountability and reduce the power of special interest groups. <b>Draft Finding 19</b> – Local Government must invest in mechanisms that encourage the whole community to participate. Consideration must be given to the development of formal community engagement networks, which may include the adoption of new institutional arrangements and structures to ensure adequate community engagement and access to Council.	Panel Finding 7 is <b>NOTED</b> with the following additional comment: obviously Local Government size will impact on 'sense of place' and local identity and great care must be taken to protect those in any amalgamation. Panel Findings 18 and 19 are <b>NOTED</b> .	<b>Support</b>
11	The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for	<b>New</b>	<b>Sector to determine WALGA position</b>	<b>Support</b>

	the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.			
12	The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority.	<b>New</b>	<b>Sector to determine WALGA position</b>	<b>Support</b>
13	Periodic Local Government boundary reviews are undertaken by an independent body every 15 years to ensure the city's Local Government structure continues to be optimal as the metropolitan region develops.	<b>Draft Finding 16</b> – Once a new structure is settled, there should be periodic boundary reviews undertaken by an independent body, to ensure the Local Government structure is optimal for meeting the changing needs of a growing metropolitan region.	Panel Finding 16 is <b>NOTED.</b>	<b>Support</b>
14	The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.	<b>Draft Finding 11</b> – Consideration should be given to establishing a Local Government Commission, comprising an Independent chair and persons with significant State and Local Government experience, to manage the relationship between State and Local Government, and to oversee implementation of the reform process.	The <b>intent</b> of Panel Finding 11 is <b>SUPPORTED subject to:</b> 1. Responsibility for Intergovernmental Agreements sitting with the Department of Premier and Cabinet, in liaison with WALGA. 2. The Local Government Commission, established as an independent body from the Department of Local Government, undertaking the following functions: <ul style="list-style-type: none"> <li>• The majority of the advisory and sector support functions currently undertaken by the Department of Local Government</li> <li>Progressing Local Government's ability to examine and improve its sustainability</li> <li>• Improving access to consistent aggregated Local Government financial information</li> <li>• Encouraging standard asset management practices</li> <li>• Encouraging long term strategic financial planning and management, and</li> <li>• Assisting with the implementation of community infrastructure planning</li> </ul>	<b>Support</b> subject to industry presence being included on the Commission



15	<p>A new structure of Local Government in metropolitan Perth be created through specific legislation which:</p> <p>a) incorporates all of the Swan and Canning Rivers within applicable Local Government areas</p> <p>b) transfers Rottnest Island to the proposed Local Government centred around the City of Fremantle</p> <p>c) reduces the number of Local Governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.</p>	<p>Part (a) – <b>New</b></p> <hr/> <p>Part (b) – <b>New</b></p> <hr/> <p>Part (c) – <b>Draft Finding 13</b> – The most appropriate options for Local Government in metropolitan Perth are:</p> <p>a. 10 to 12 Councils centred on strategic activity centres</p> <p>b. Five Councils based on the central area and subregions</p> <p>c. One single metropolitan Council</p>	<p><b>Sector to determine WALGA position</b></p> <hr/> <p><b>Sector to determine WALGA position</b></p> <p>1. Panel Finding 13 is <b>NOT SUPPORTED</b>.</p> <p>2. WALGA supports a Governance Model for the Perth metropolitan region consisting of approximately 15-20 Local Governments, and will work towards achieving this objective, based on sustainability principles, with reference to Directions 2031, using existing Local Government boundaries as a starting point.</p>	Support
16	Consideration be given to all Local Government elections being conducted by the Western Australian Electoral Commission.	<b>New</b>	<b>Oppose</b> – the Association's formal position is that other bodies, including Local Governments, should be empowered to conduct postal elections.	Support
17	Compulsory voting for Local Government elections be enacted.	<b>Draft Finding 23a</b> – Amendments to governance arrangements for Local Government in metropolitan Perth should include the following:	Panel Finding 23a is <b>OPPOSED</b>	<p><b>For Council decision</b></p> <p><b>19/12/2012</b></p> <p><b><i>Opposed the concept of compulsory voting</i></b></p>
18	All Mayors and Presidents be directly elected by the community.	<b>Draft Finding 23c</b> – Amendments to governance arrangements for Local Government in metropolitan Perth should include the following:	Panel Finding 23c is <b>NOTED</b> .	<p><b>For Council decision</b></p> <p><b>19/12/2012</b></p> <p><b><i>Opposed to Presidents being elected by community</i></b></p>
19	Party and group nominations for Local Government electoral vacancies be permitted.	<b>New</b>	<b>Sector to determine WALGA position</b>	<p><b>For Council decision</b></p> <p><b>19/12/2012</b></p> <p><b><i>Opposed to group nominations</i></b></p>
20	Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.	No finding but mentioned on page 22 of Draft Findings – <i>“There may also be merit in limiting the number of terms that an elected member can serve, to ensure there is fresh and dynamic input of new leadership.”</i>	<b>Opposed</b> in the text of WALGA's Submission to Draft Findings (p31) – <i>“The concept of term limits for Elected Members is raised in the document. Term limits for Elected Members are not supported.”</i>	<p><b>For Council decision</b></p> <p><b>19/12/2012</b></p> <p><b><i>Opposed to restricting the numbers of terms for Councillors</i></b></p>

21	Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour	<p><b>Draft Finding 23b -</b> Amendments to governance arrangements for Local Government in metropolitan Perth should include the following: b. Recognition of the leadership role of Elected Members</p> <p><b>Draft Finding 23e -</b> Amendments to governance arrangements for Local Government in metropolitan Perth should include the following: e. Training for Elected Members</p>	<p>Panel Finding 23b is <b>SUPPORTED</b>.</p> <p>Panel Finding 23e is <b>SUPPORTED</b>.</p>	<b>Support</b>
22	A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the post is inappropriate for the larger districts that it has recommended).	<b>New</b>	<b>Sector to determine WALGA position</b>	Panel's position for a review be <b>supported</b> .
23	Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.	<p><b>Draft Finding 23d -</b> Amendments to governance arrangements for Local Government in metropolitan Perth should include the following: d. Increased remuneration of Elected Members</p>	Panel Finding 23d is <b>SUPPORTED</b> .	<b>Support</b>
24	Payments made to elected members be reported to the community on a regular basis by each Local Government.	<b>New</b>	<b>No position</b> (It is a requirement of the <i>Local Government (Financial Management) Regulations 1996</i> for payments to Elected Members to be reported in the Annual Report).	<b>For Council decision</b>  <b>19/12/2012</b> <b>Support for WALGA position</b>
25	The Public Sector Commission provide advice and assistance to Local Governments in the appointment and performance management of Local Government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.	<b>No finding</b> but mentioned on page 23 of Draft Findings – <i>“A solution may be for appointment and performance management to remain the responsibility of council, but with oversight by an independent commission.”</i>	<b>Support</b> – WALGA's Submission to the Draft Findings (p33) states, <i>“The text supporting this Finding suggests that, while remaining a Council responsibility, there should be oversight of the CEO recruitment and performance management processes by an independent body. This concept should be included in the Finding.”</i>	<b>Support</b>

26	A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.	<b>New</b>	<b>Support – WALGA</b> <b>Additional Recommendation I:</b> “That the State Government be requested to: 1. Release the Metropolitan Local Government Review Panel’s final report for a two month sector consultation period, and 2. Declare its position in regard to Local Government reform prior to the 2013 State election”	<b>Support</b>
27	Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.	<b>New</b>	<b>Sector to determine WALGA position</b>	<b>For Council decision</b>  <b>19/12/2012</b> <b>No position</b>
28	The State Government assist and support Local Governments by providing tools to cope with change and developing an overarching communication and change management strategy	<b>New</b>	<b>Sector to determine WALGA position</b>	<b>Support</b> the Review Panel position
29	A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and Local Government.	<b>Draft Finding 11 -</b> Consideration should be given to establishing a Local Government Commission, comprising an Independent chair and persons with significant State and Local Government experience, to manage the relationship between State and Local Government, and to oversee implementation of the reform process.	The <b>intent</b> of Panel Finding 11 is <b>SUPPORTED</b> subject to: 1. Responsibility for Intergovernmental Agreements sitting with the Department of Premier and Cabinet, in liaison with WALGA. 2. The Local Government Commission, established as an independent body from the Department of Local Government, undertaking the following functions: • The majority of the advisory and sector support functions currently undertaken by the Department of Local Government Progressing Local Government’s ability to examine and improve its sustainability • Improving access to consistent aggregated Local Government financial information • Encouraging standard asset management practices • Encouraging long term strategic financial	<b>Support</b> subject to industry presence being included on the Commission

			planning and management, and • Assisting with the implementation of community infrastructure planning	
<b>30</b>	The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety	<b>New</b>	<b>Sector to determine WALGA position</b>	<b>For Council decision</b>  <b>19/12/2012</b> <b>Issues not relevant to country local government</b>

**Table One:** Comparison of Review Panel's Final Recommendations, Draft Findings, WALGA Position & Shire of Lake Grace Acting CEO comments.

Legal Implications

Nil

Policy Implications

The issue of Local Government Reform was formally considered by Council in September 2009 but this was in respect to local issues and did not include the metropolitan area of Perth.

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11566**

Moved Cr Chappell  
Seconded Cr De Landgraft

That Council inform the Central Country Zone of WALGA of its comments in respect to each of the 30 recommendations as set out in this meeting agenda.

**MOTION CARRIED 9/0**

### 15.3 **ACTING CHIEF EXECUTIVE OFFICER LEAVE**

**Applicant:** Acting Chief Executive Officer  
**File No.** 0009  
**Attachments:** Nil  
**Author:** Mr Graeme Simpson  
Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 4 December 2012  
**Senior Officer:** Mr Graeme Simpson  
Acting Chief Executive Officer

#### Summary

The Acting Chief Executive Officer is seeking unpaid leave for:

1. Minor surgery for a medical condition from Monday 14 January to Friday 1 February 2013
2. Attendance at a family function being held in Broome from Thursday 14 February to Tuesday 19 February 2013.

Council endorsement of the proposal for the Manager Community Services and the Manager Infrastructure Services to undertake higher duties during these periods is sought.

#### Comment

The periods of absence are during a traditionally quiet time in respect to Shire operations and whilst it will coincide with the establishment of the John Holland Construction re-sleeping project in Lake Grace it is not anticipated to be a difficult time.

It will also be financially advantageous to the Shire in that the Acting Chief Executive Officer is not paid during these two periods and whilst higher duties must be paid there will still be a saving.

#### Legal Implications

Section 5.36 (1) of the *Local Government Act 1995* stipulates a local government is to employ a person to be the Chief Executive Officer of the local government.

#### Policy Implications

The Delegations Register sets out the arrangement for unscheduled absences but not scheduled absences.

#### Consultation

Salaries and Allowance Tribunal Determination Report, paragraphs 85, 86, 87 and 88 to apply.

#### Financial Implications

The financial saving in contractual payments to LO-GO Appointments is \$13,819.00 less the amount of higher duties to be paid, being \$3,318.31.

Strategic Implications

Nil

Voting Requirements

Absolute majority required.

Recommendation/Resolution

**MOTION 11567**

Moved Cr Newman  
Seconded Cr Chappell

That Council:

1. Approve the Acting Chief Executive Officer's leave without pay for the periods Monday 14 January to Friday 1 February 2013 and Thursday 14 February to Tuesday 19 February 2013.
2. Approve the appointment of Martin Harrop, Manager Infrastructure Services as temporary Chief Executive Officer for the period Monday 14 January to Sunday 27 January 2013.
3. Approve the appointment of Lee Holben, Manager Community Services as temporary Chief Executive Officer for the periods Monday 28 January to Friday 1 February 2013 and Thursday 14 February to Tuesday 19 February 2013.
4. Approve the hourly rate of \$70.00 to be paid during the periods of temporary Chief Executive Officer appointment being the same rate as paid to the Acting Chief Executive Officer and in the lower third of the prescribed band for level 4 local governments, being \$121,909 - \$184,788.

**MOTION CARRIED 9/0**

**15.4 WESTNET RAIL RE-SLEEPER PROJECT**

4.30pm *Cr Farrelly left the meeting as he had previously disclosed impartiality in Item 15.4.*

4.35pm *Cr Chappell left the meeting and returned at 4.36pm.*

**Applicant:** Acting Chief Executive Officer  
**File No.** 0448  
**Attachments:** John Holland Pty Ltd Information Package  
**Author:** Mr Graeme Simpson  
Acting Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 12 December 2012  
**Senior Officer:** Mr Graeme Simpson  
Acting Chief Executive Officer

Summary

This report recommends Council grant approval for the establishment of a temporary workers campsite and storage area on the rail reserve in the Lake Grace townsite.

Background

John Holland Pty Ltd is the contractor appointed to carry out re-sleeping of the railway line from Wagin to Lake Grace and the two branch lines to Hyden and Newdegate.

There will be up to 80 people based in Lake Grace of which 10 will be located in the caravan park and 60 – 64 men located in a formal campsite on the rail reserve (eastern end near Gorge Rock Road) and project staff at the roadhouse units.

The base camp will be required for up to 8 months and will include:

- 32 vans to accommodate 60 – 64 men
- Temporary camp lighting
- 2 power generators with noise reduction
- 2 laundry blocks (6 washers, 6 dryers)
- Waste connected to septics (existing)
- Solids retained and with wastewater to sewer
- Refuse collected by Contractor
- Carpark adjacent to campsite
- 40ft sea container for tool storage
- Domed shade area adjacent to sea container

The railway reserve will also be set up for storage of sleepers and crushed granite ballast for the railway lines.

John Holland Pty Ltd administrative office will be set up in the Department of Agriculture premises located on the corner of Lawson and Stubbs Sts.

The project will commence on 10 January 2013 at the eastern end of both branch lines and consist of replacing the existing wooden sleepers with a sequence of two wood and one steel sleeper along the entire length. Steel sleepers are incorporated for rigidity to maintain the track profile and both wood and steel sleepers are cheaper than concrete.

This is the fourth project of this nature conducted by John Holland with base camps previously set up in Wongan Hills, York and Narrogin. This upgrade of the line will allow increased tonnages to be carried on each train.

#### Comment

The focus of this application is the potential for disruption to the residential amenity of the local residents. The accommodation will be spread around the town and inject money in to the local community.

John Holland will prepare a notice to nearby residents outlining the scope of works within the townsite and cover the anticipated working hours. This notice will be distributed by John Holland and it will nominate a formal contact for people to telephone if there are issues to be discussed.

The camp will be powered by silent generators, be connected to the deep sewer, potable scheme water and have its domestic waste collected by the current Shire contractor.

#### Legal Implications

Shire of Lake Grace Local Planning Scheme No 4 – Part 8 prescribes:  
*8.2 Permitted development - Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government – (f) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees.*

It may also be argued that ‘any railway works’ and the ‘activity of a base camp’ are different in that the latter is use of the land.

It also needs to be acknowledged that a very similar project was carried out on the site by John Holland Pty Ltd approximately 15 years ago.

In the interest of the community it is expedient to deal with the application as a temporary work and grant a Council approval with the relevant conditions imposed.

The Shire’s Local Planning Scheme No 4 also has a restriction on the use of sea containers and clause 5.22 states they are not generally permitted, however Council may grant planning approval for the use within service commercial zones for purposes other than transportation of goods subject to stated circumstances.

#### Policy Implications

This Shire has a Community Engagement Policy, 1.12, and it is essential that the proposal and conditions imposed are made available to the public.



Consultation

Internal: Manager Infrastructure Services  
Environmental Health Officer  
Town Planning Consultant - Urban & Rural Perspectives,

External: Ray Hooper - Shire of York CEO  
Mr Robert Hennessy – John Holland Pty Ltd

Financial Implications

Arrangements will need to be made to set charges for:

1. Connection to the Shire's sewerage scheme
2. Disposal of waste if it is to be placed in the Shire's rubbish tip.

Strategic Implications

Council approval of the proposal to establish a temporary workers campsite and to endorse the re-sleepering project is consistent with the economic strategies in the Strategic Community Plan (EC2).

- a) Indirectly supports the upgrading of rail infrastructure that accommodates the agricultural industry
- b) Enables the local businesses to benefit from the spending of project employees.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**MOTION 11568**

Moved Cr Newman  
Seconded Cr Walker

That Council grant approval for John Holland Pty Ltd to establish a workers campsite and project material storage area on the rail reserve located in Lake Grace subject to:

1. Financial arrangements being made for the Shire to be paid fees to access the deep sewerage scheme
2. John Holland Pty Ltd being advised that Council prefers that non scheme water (in accordance with Australian health & quality water guidelines) be used for dust suppression on stock piles located within the townsite and suggests that the company liaise with the Shire's administration on the use of recycled waste water.
3. The payment of dumping fees for use of the Shire's tip sites.

**MOTION 11568 continued.**

4. John Holland Pty Ltd notifying the residents of the scope of works and hours of operation of the campsite.

5. John Holland Pty Ltd making formal application for Planning Approval to use a sea container in a Service Commercial Zone subject to it being completely screened from public view and not exceeding a height of three (3) metres.

**MOTION CARRIED 8/0**

4.37pm *Cr Farrelly re-entered the meeting and was advised of the decision on the matter.*

<b>16.0 INFORMATION BULLETIN</b>
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**16.1 INFORMATION BULLETIN REPORT – DECEMBER 2012**

<b>Applicant:</b>	Executive Services
<b>File No.</b>	N/A
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Annual Grants Register</li> <li>2. Council Status Report – November 2012</li> <li>3. Report to November Rural Water Council Meeting</li> <li>4. Letter – Hon Max Trenorden MLC</li> <li>5. Letter - WALGA</li> <li>6. WALGA Economic Briefing</li> </ol>
<b>Author:</b>	Mrs Jeanette Bennett Executive Assistant
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	13 December 2012
<b>Senior Officer:</b>	Mr Graeme Simpson Acting Chief Executive Officer

Summary

The purpose of this report is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Report deals with monthly standing items and other information of a strategic nature relevant to Council.

A copy of other relevant Councillor information is distributed via email and the weekly mail-out.

Comment

The information at attachment includes:

**1. Grants Register**

Provides a list of grants applied for (pending, approved and completed) on behalf of the Shire – report not available for November.

**2. Council Status Report**

Tracks the progress of Council resolutions.

**3. Report to November Rural Water Council Meeting**

Water Corporation Report to the November 2012 Rural Water Council Meeting - Cr Armstrong made reference to this report in his Member's Report at the November 2012 Council Meeting.

**4. Letter & Media Release – Hon Max Trenorden**

Letter and Media Release from the Hon Max Trenorden regarding the Local Government Amendment (Regional) Subsidiaries) Bill 2010.

**5. Letter – WALGA**

Letter from WALGA encouraging local action for the Cash for Containers Advocacy Campaign.

**6. WALGA Economic Briefing**

WALGA Economic Briefing for Local Government – December 2012 Issue

**7. Integrated Planning Update**

This is to provide Council with information regarding the status of the various main elements of the Shire's Integrated Planning process as per the Integrated Planning and Reporting Framework 2011.

<b>Element</b>	<b>Status &amp; Comments</b>
Strategic Community Plan	Adopted at the November 2012 Meeting and made available to the public.
Corporate Business Plan	To be developed using information from the Shire's existing Strategic Plan. Action CEO & Council. Responsible Officer : Acting Chief Executive Officer
Long Term Financial Plan	Being developed by UHY Haines Norton. Responsible Officer : Manager Corporate Services
Asset Management Plan	Almost completed – awaiting on consultancy firm Core Business to provide final draft Responsible Officer : Manager Infrastructure Services
Workforce Plan	Being developed in-house – meetings being held fortnightly to track and progress, background research currently underway. Staff currently working on incorporating the Community Strategic Plan into meaningful and practical data to include in the Workforce Plan. Responsible Officers : Manager Community Services, Coordinator Finance & Administration, Executive Assistant

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Plan

Voting Requirements

Simple majority required.

Voting Requirements

Simple majority required.

Officer's Recommendation/Resolution

**MOTION 11569**

Moved Cr De Landgrafft

Seconded Cr Sinclair

That Council accepts the Information Bulletin report.

**MOTION CARRIED 9/0**

**17.0 URGENT BUSINESS BY DECISION OF THE MEETING**

None

**18.0 SCHEDULING OF MEETING**

**18.1 FEBRUARY 2013 ORDINARY MEETING**

**Motion 11543 November 2012 states:**

An Ordinary Meeting of Council will be held on Wednesday 27 February 2013 commencing at 2:00pm at Council Chambers, 1 Bishop St Lake Grace WA.

**19.0 CONFIDENTIAL BUSINESS – as per Local Government Act s5.23 (2)**

**MOTION 11570**

Moved Cr Newman  
Seconded Cr Sinclair

That Council close the meeting to the public at this time, being 4.38pm, to consider Item 19.1, 2013 Australia Day Awards.

**MOTION CARRIED 9/0**

4.38pm *Ms Bell left the meeting.*

**19.1 2013 AUSTRALIA DAY AWARDS**

*Item forwarded under separate cover.*

**MOTION 11571**

Moved Cr Chappell  
Seconded Cr Newman

That Council make public the names of the 2013 Citizenship Award recipients at the 26 January 2013 Annual Australia Day celebration events throughout the Shire.

**MOTION CARRIED 9/0**

**MOTION 11572**

Moved Cr Chappell  
Seconded Cr De Landgraft

That Council re-open the meeting to the public at this time, being 4.48 pm.

**MOTION CARRIED 9/0**

**20.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 4.48 pm.

**21.0 CERTIFICATION**

I Leonard William Armstrong certify that the minutes of the meeting held on the 19 December 2012 as shown were confirmed as a true record at the meeting held on the 27 February 2013.

\_\_\_\_\_

Chairman

\_\_\_\_\_

Date